

1 HONORABLE MARSHA J. PECHMAN
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UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

9 BRYAN D. MIZE,
10 Plaintiff,

11 vs.
12 JPMORGAN CHASE BANK, N.A.;
NORTHWEST TRUSTEE SERVICES,
13 Defendants.

NO. 2:11-CV-01245-MJP

JP MORGAN CHASE BANK, N.A.'S
MOTION TO HAVE ITS MOTION TO
STRIKE PLAINTIFF'S MOTION FOR
SANCTIONS HEARD ON
SHORTENED TIME

NOTE ON MOTIONS CALENDAR
SEPTEMBER 10, 2012

16 COMES NOW the defendant, JPMorgan Chase Bank, N.A. (hereinafter "Chase") by
17 and through its attorneys of record, Devra D. Featheringill, and Bishop, White, Marshall &
18 Weibel, P.S. and submits the following Motion to Have Chase's Motion to Strike Plaintiff's
19 Motion for Sanctions heard on Shortened Time. Plaintiff's Motion for Sanctions (Doc. No.
20 49) was improperly noted and Plaintiff failed to follow the Local Civil Rules as well as FRCP
21 37(d)(1)(B). Under the current and improper noting date of September 14, 2012, Chase's
22 response to the Motion for Sanctions is due on September 10, 2012. Accordingly, Chase
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25 CHASE'S RESPONSE TO PLAINTIFF'S
EMERGENCY MOTION FOR ORDER
DEFERRING RULING ON MSJ.- 1

Case No.: 2:11-cv-01245-MJP

BISHOP WHITE, MARSHALL & WEIBEL, P.S.
720 OLIVE WAY, SUITE 1201
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1 requests that its Motion to Strike or Alternatively Re-Note Plaintiff's Motion for Sanctions is
2 heard upon shortened time.

3 Although Motions for hearings upon shortened time are not considered by the
4 Local Rules of the Western District of Washington, there is precedent for granting the
5 motions at the discretion of the Court. In *Craig v. U.S.*, 1993 WL 125944 at FN 2,
6 (W.D.Wash., 1993), the Western District *sua sponte* treated motions that were not noted as
7 being heard on shortened time as if they had been filed with a request to be heard on
8 shortened time, in order to accommodate the Court's hearing schedule and because there
9 was no prejudice to the parties.
10

In the case at bar, Plaintiff's Motion for Sanctions was improperly noted for the second Friday after filing and service instead of the third Friday pursuant to CR 7(d). This improper noting date has resulted in Chase losing a week of time to prepare its response. Given that its response under the improper noting date is due on September 10, 2012, Chase requests that its Motion to Strike be heard on shortened time.

DATED this 7th day of September, 2012.

By: /s/Devra Featheringill
Devra Featheringill, WSBA #32182
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N.A.

CHASE'S RESPONSE TO PLAINTIFF'S
EMERGENCY MOTION FOR ORDER
DEFERRING RULING ON MSJ.- 2
Case No.: 2:11-cv-01245-MJP

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CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of September, 2012, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, Western District of Washington by using its CM/ECF system which will send notification of such filing to the following CM/ECF participants:

Heidi E. Buck [] By United States Mail
Routh Crabtree Olsen [X] By CM/ECF
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E: hadaojd@gmail.com
Attorney for Plaintiff

Signed this 7th day of September, 2012 at Seattle, Washington.

By: s/Darla Trautman

Darla Trautman, Legal Assistant
Bishop, White, Marshall & Weibel, P.S.

CHASE'S RESPONSE TO PLAINTIFF'S
EMERGENCY MOTION FOR ORDER
DEFERRING RULING ON MSJ.- 3
Case No.: 2:11-cv-01245-MJP

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